

Of Counsel:

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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

SANAM ELYASSI,)	CIVIL NO. CV 12-00356 BMK
)	
Plaintiff,)	PLAINTIFF'S SCHEDULING
)	CONFERENCE STATEMENT;
vs.)	CERTIFICATE OF SERVICE
)	
UNITED STATES OF AMERICA;)	
TRIPLER ARMY MEDICAL)	
CENTER; CHRISTOPHER KLEM,)	
M.D.; JARED MCKEAN THELER,)	<u>Rule 16 Conference:</u>
M.D.; JOHN DOES 1-10; JANE DOES)	Date: October 5, 2012
1-10; DOE BUSINESS ENTITIES 1-)	Time: 10:30 a.m.
10; DOE GOVERNMENTAL)	Judge: United States Magistrate
ENTITIES 1-10; and DOE)	Judge Barry M. Kurren
DEFENDANTS 1-10,)	
)	
Defendants.)	
_____)	

PLAINTIFF'S SCHEDULING CONFERENCE STATEMENT

Comes now Plaintiff Sanam Elyassi, by and through her undersigned
counsel, and hereby submits the following Scheduling Conference Statement

pursuant to LR16.2(b).

1. Short Statement of the Nature of the Case

This is an action under the Federal Tort Claims Act for injuries the Plaintiff sustained during and following a September 9, 2009 surgery performed at Defendant Tripler Army Medical Center. During the surgery, Defendants Christopher Klem, M.D. and Jared McKean Theler severed the Plaintiff's vagus nerve without medical justification or the patient's consent. As a result, the Plaintiff suffered vocal cord paralysis and other injuries and damages.

2. Statement of Jurisdiction With Cited Authority for Jurisdiction and a Short Statement of the Facts Conferring Jurisdiction

Subject matter jurisdiction herein is based on 28 U.S.C. § 1346(b)(1). Venue in this Court is proper under 28 U.S.C. §§ 1391(e) and 1402(b), in that this is an action against an officer or employee of the United States, one or more Defendant resides in this judicial district, the Plaintiff resided in this judicial district at the time of the events giving rise to the action, and a substantial part of the events giving rise to this action took place in this judicial district.

3. Whether Jury Trial Has Been Demanded

No jury trial has been demanded.

4. Statement Addressing the Appropriateness, Extent and Timing of Disclosures Pursuant to Fed.R.Civ.P. 26 and LR26.1 That Are Not

Covered By the Report Filed Pursuant to Fed.R.Civ.P. 26(f)

Not applicable.

5. List of Discovery Completed, Discovery in Progress, Motions Pending, and Hearing Date

No discovery has been completed, and there is no discovery in progress.

There are no motions pending.

6. Statement Addressing the Appropriateness of Any of the Special Procedures or Other Matters Specified in Fed.R.Civ.P. 16(c) and LR16.2 That Are Not Covered by the Joint Report Filed Pursuant to Fed.R.Civ.P. 26(f)

Not applicable.

7. Statement Identifying any Related Case Known to be Pending in any State or Federal Court

Not applicable.

8. Additional Matters

The parties have agreed to submit this matter to an early case mediation. As part of the mediation the parties have agreed that some preliminary discovery will nevertheless be necessary.

DATED: Honolulu, Hawaii, September 28, 2012.

/s/ Christopher A. Dias
CHRISTOPHER A. DIAS
Attorney for Plaintiff

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ENTITIES 1-10; and DOE)	
DEFENDANTS 1-10,)	
)	
Defendants.)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a file marked copy of the foregoing document will be served electronically upon the party identified below on the date herein indicated:

HARRY YEE, ESQ.
Harry.Yee@usdoj.gov

Attorney for Defendants
UNITED STATES OF AMERICA,
TRIPLER ARMY MEDICAL CENTER,

CHRISTOPHER KLEM, M.D. and
JARED MCKEAN THELER, M.D.

DATED: Honolulu, Hawaii, September 28, 2012.

/s/ Christopher A. Dias
CHRISTOPHER A. DIAS
Attorney for Plaintiff